IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 14289 of 2006

DATED: 13-7-2006

Between:

The Depot Manager,
APSRTC, Kamareddy Depot.
Nizamabad district petitioner

And

K.Gangadhar Rao and 4 others REspondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 14289 of 2006

ORAL ORDER:

This writ petition is filed by A.P. State Road Transport Corporation, questioning the award of the Industrial Tribunal-II, Hyderabad in I.D.

No. 75 of 2004 dated 19.9.2005 partly allowing the petition and directing the respondent to pay a sum of Rs.1,00,000/- in lieu of reliefs claimed by the workman.

The first respondent herein is deceased workman represented by his legal representatives-respondents 2 to 4. The first respondent herein (hereinafter referred to as workman) while working as cleaner in the corporation was issued with a charge sheet 13.10.2000 alleging unauthorized absence from duties from 1.10.2000 to 11.10.2000. He has submitted his explanation dated 14.10.2000. However, having not satisfied with the same, an enquiry was ordered. The enquiry officer after conducting departmental enquiry submitted a report holding the workman guilty of the charge. Pursuant thereto a show cause notice dated 30.11.2000 was issued, followed by a final order dated 11.12.2000 removing the workman from service. Questioning the said order of removal, the workman raised an Industrial Dispute and the same was registered as I.D. No. 75 of 2004 on the file of the Industrial Tribunal-II Hyderabad. During the pendency of the proceedings before

the Industrial Tribunal, the workman died and he is represented by his legal representatives. The Industrial Tribunal on consideration of the matter, held that the punishment imposed on the deceased employee is disproportionate to the proved misconduct and partly allowed the petition by directing the respondent to pay a sum of Rs.1,00,000/- in lieu of the reliefs claimed. Questioning the said award, the present writ petition is filed.

Heard the learned Standing Counsel for petitioner corporation and learned Government Pleader for Labour at length and perused the award of the Labour Court.

The learned Standing Counsel for petitioner corporation mainly contended that the deceased workman is habitual unauthorized absentee and the Tribunal having held that the misconduct alleged against the workman is proved, erred in partly allowing the petition and granting a sum of Rs.1,00,000/-.

The charge against the concerned workman is unauthorized absence for a period of 11 days. The Tribunal on elaborate consideration of the matter recorded its finding that for unauthorized absence of 11 days, imposition of punishment of removal from service is disproportionate. Having regard to the fact that the workman died, the Tribunal has granted a lumpsum amount of Rs.1,00,000/- to the legal heirs of workman and denied other benefits on the ground of “no work no pay”. Since the charge alleged against the workman is unauthorized absence for 11 days, the Tribunal is justified in modifying the punishment imposed on the workman. This Court does not see any reason to interfere with the discretion exercised by the Tribunal in modifying the punishment.

For the above reasons, the writ petition fails and accordingly the same is dismissed. No costs.

N.V.RAMANA,J

DATE:13.7.2006

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